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Atty. Dkt.: UCF-372

As stated by the Supreme Court in KSR, "While the sequence of these questions [TSM] might be reordered in any particular case, the [Graham] factors continue to define the inquiry that controls." KSR, 550 U.S. at 1, 82 USPQ2d at 1391 (2007) (see MPEP 2141(II)).

The Examiner cites Tai to suggest first swapping the position of the discontinuous pixel electrode 300 with the position of the discontinuous common electrode 410 in Matsuyama so that the common electrode 410 is above the pixel electrode 300. Next the Examiner suggests replacing the discontinuous pixel electrode 300 of Matsuyama with the continuous pixel electrode 302 of Tai. There is no suggestion in Matsuyama nor Tai to make the suggested substitutions.

Furthermore, changing the position of the pixel and common electrodes changes to operation of the LCD and changing the discontinuous pixel electrode to a continuous pixel electrode further changes the operation. The Examiner has not provided a basis for the substitution. Office personnel must provide an explanation to support an obviousness rejection . . . clearly setting forth findings of fact and the rationale to support a rejection. The Examiner cites [0031] of Tai to support his conclusion. However, Tai does not include an upper continuous common electrode as claimed in claims 1, 13 and 19.

Matsuyama clearly teaches reducing the capacitance between the electrodes by decreasing the overlap between the pixel electrode 300 and the first common electrode 410 (Fig. 10) to improve display characteristics (col. 22 lines 15-29 and 35-40). Matsuyama (fig. 9-10) requires the discontinuous pixel and discontinuous common electrode to only partially overlap. Replacing the Matsuyama discontinuous pixel electrode 300 with the Tai continuous pixel electrode 302 would render the Matsuyama inoperable or, at best, having degraded display characteristics.

According to MPEP 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is not suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Tai mentions in-plane switching on page one paragraph [0002] including the disadvantages of ISP. Paragraph [0003] teaches use of fringe field switching. Then the switching is not mentioned again. Applicant assumes that the Tai invention uses fringe-field switching. Tai is silent in regard to voltage applied to the electrodes the electric field

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Claims 10 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuyama in view of Tai, and further in view of Nakanishi (6,819,384).

Combining Nakanishi to Matsuyama and Tai does not cure the deficiencies of Matsuyama and Tai as pointed out in regard to independent claims 1, 13 and 19. For this reason, and the reasons previously provided, Applicant believes that claims 10 and 16 are allowable and requests removal of the rejection.

In view of the foregoing considerations, it is respectfully urged that claims 1-2, 5, 7-8, 10-16, and 18-20 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



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